## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:20CV271-GCM

| ANTHONY POMPEY,         | )           |       |  |
|-------------------------|-------------|-------|--|
| Plaintiff,              | )<br>)<br>) |       |  |
| VS.                     | )           | ORDER |  |
| FIFTH THIRD BANK, N.A., | )           |       |  |
| Defendant.              | )<br>)      |       |  |

This matter is before the Court upon its own motion. Defendant filed a Motion to Stay on June 11, 2020 requesting that the Court stay this case pending the decision of the Supreme Court in the case of *Barr v. American Ass'n of Political Consultants*, which involved a constitutional challenge to Section 227(b)(1)(A)(iii) of the TCPA. Defendant also moved to stay pending the Supreme Court's decision in *Facebook, Inc. v. Duguid*, No. 19-511 (U.S. Nov. 14, 2019) and *Charter Commc'ns, Inc. v. Gallion*, No. 19-575 (U.S. Nov. 14, 2019). At that time, the Supreme Court had yet to grant or deny certiorari in *Duguid* and *Gallion*. Shortly after Defendant filed its motion, the Supreme Court issued its decision in *Barr*, denied certiorari in *Gallion*, and granted certiorari in *Duguid*. Accordingly, all that is left of Defendant's motion is its request that the Court stay this case pending the decision in *Duguid*.

As most of the briefing that has occurred regarding the Motion to Stay addressed *Barr*, the Court directs the parties to file supplemental briefs specifically addressing the *Duguid* case and its potential impact on the case herein. Defendant is directed to file a supplemental brief within seven (7) days. Response and Reply briefs shall be filed in accordance with the Local Rules.

## IT IS SO ORDERED.

Signed: July 21, 2020

Graham C. Mullen

United States District Judge